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Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: Cathode Ray Tube (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-md-05944-SC

MDL No. 1917

This Document Relates To:

*P.C. Richard & Son Long Island Corp., et al.
v. Hitachi, Ltd., et al.*, No. 12-cv-02648;

*P.C. Richard & Son Long Island Corp., et al.
v. Technicolor SA, et al.*, No. 13-cv-05725

**DECLARATION OF PHILIP J. IOVIENO
IN SUPPORT OF PLAINTIFF'S
RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
WITH RESPECT TO MARTA**

Judge: Hon. Samuel P. Conti
Court: Courtroom 1, 17th Floor
Date: February 6, 2015
Time: 10:00 a.m.

I, PHILIP J. IOVIENO, declare as follows:

1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel for the Direct Action Plaintiffs ("DAPs") in this matter, and I am licensed to practice law in the State of New York and admitted to practice *pro hac vice* before this Court.

2. Attached hereto as Exhibit 1 is a true and correct copy of the order in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (Sept. 4, 2014) [Dkt. 9209] holding that MARTA is a direct purchaser.

3. Attached hereto as Exhibit 2 is a true and correct copy of the deposition testimony of MARTA's 30(b)(6) witness, Robert Thompson, dated February 14, 2014.

4. Attached hereto as Exhibit 3 is a true and correct copy of a document Bates stamped CRT-MARTA-0043944 through CRT-MARTA-0044004, which was produced by MARTA in this litigation.

5. Attached hereto as Exhibit 4 is a true and correct copy of the deposition testimony of Aimee Fields, dated June 4, 2014.

6. Attached hereto as Exhibit 5 is a true and correct copy of the deposition testimony of Warren Mann, dated July 25, 2014.

7. Attached hereto as Exhibit 6 is a true and correct copy of a document Bates stamped CRT-MARTA-0043911 through CRT-MARTA-0043943, which was produced by MARTA in this litigation.

8. Attached hereto as Exhibit 7 is a true and correct copy of a document Bates stamped MARTA-0148322, which was filed in the public record as Exhibit H [Dkt. 9191] to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (July 14, 2014) [Dkt. 9160].

9. Attached hereto as Exhibit 8 is a true and correct copy of a document Bates stamped MARTA-0130268 through MARTA-0130273, which was filed in the public record as Exhibit I [Dkt. 9160-10] to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (July 14, 2014) [Dkt. 9160].

10. Attached hereto as Exhibit 9 is a true and correct copy of a document Bates stamped CRT-MARTA-0044075 through CRT-MARTA-0044088, which was produced by MARTA in this litigation.

11. Attached hereto as Exhibit 10 is a true and correct copy of a document Bates stamped MARTA-0116517, which was filed in the public record as Exhibit K [Dkt. 9160-12] to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of

1 Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-
2 1827 (July 14, 2014) [Dkt. 9160].

3 12. Attached hereto as Exhibit 11 is a true and correct copy of a document Bates
4 stamped CRT-MARTA-0000076 through CRT-MARTA-0000088, which was produced by
5 MARTA in this litigation.

6 13. Attached hereto as Exhibit 12 is a true and correct copy of a document Bates
7 stamped CRT-MARTA-0000158 through CRT-MARTA-0000172, which was produced by
8 MARTA in this litigation.

9 14. Attached hereto as Exhibit 13 is a true and correct copy of a document Bates
10 stamped MARTA-0000228, which was filed in the public record as Exhibit N [Dkt. 9160-15] to
11 Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of
12 Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-
13 1827 (July 14, 2014) [Dkt. 9160].

14 15. Attached hereto as Exhibit 14 is a true and correct copy of a document Bates
15 stamped MARTA-0000229, which was filed in the public record as Exhibit O [Dkt. 9160-16] to
16 Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of
17 Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-
18 1827 (July 14, 2014) [Dkt. 9160].

19 16. Attached hereto as Exhibit 15 is a true and correct copy of a document Bates
20 stamped MARTA-0097046 through MARTA-0097064, which was filed in the public record as
21 Exhibit P [Dkt. 9160-17] to Plaintiffs' Opposition to Defendants' Motion for Summary
22 Judgment on MARTA's Lack of Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel)*
23 *Antitrust Litigation*, No. 07-md-1827 (July 14, 2014) [Dkt. 9160].

24 17. Attached hereto as Exhibit 16 is a true and correct copy of a document Bates
25 stamped CRT-MARTA-0043819 through CRT-MARTA-0043823, which was produced by
26 MARTA in this litigation.

27 18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of a document
28 Bates stamped MARTA-0158279, which was filed in the public record as Exhibit S [Dkt. 9160-

20] to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on MARTA's Lack of Standing under *Illinois Brick* in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (July 14, 2014) [Dkt. 9160].

19. Attached hereto as Exhibit 18 is a true and correct copy of a document Bates stamped CRT-MARTA-0007846, which was produced by MARTA in this litigation.

20. Attached hereto as Exhibit 19 is a true and correct copy of the deposition testimony of Jeff Sokol, dated June 6, 2014.

21. Attached hereto as Exhibit 20 is a true and correct copy of the order in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (Sept. 5, 2013) [Dkt. 8585] holding that a MARTA member was ineligible for the Direct Purchaser Class.

22. Attached hereto as Exhibit 21 is a true and correct copy of a document which was filed in the public record as Exhibit D [Dkt. 8526-5] in support of Direct Purchaser Class Plaintiffs' Status Report Regarding Late-Filed and Disputed Claims in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-1827 (Aug. 26, 2013) [Dkt. 8525].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23rd day of December, 2014 at Albany, New York.

/s/ Philip J. Iovieno

Philip J. Iovieno